

S.B. Civil Review Petition No.47/2006

In

S.B. Civil Second Appeal No.476 Of 2006.

M/s. Tillu Mal

Versus

Dargah Committee, Ajmer

Date Of Order ::: 30.10.2006.

Hon'ble Mr. Narendra Kumar Jain J.

Mr. Ashok Kumar Shahdadpur, Counsel for Petitioner.

Mr. J.C. Jain, Counsel for respondent

By the Court :

Heard learned counsel for both the parties.

Learned counsel for the petitioner has filed this review petition to review the order dated 05.10.2006 passed in **S.B. Civil Second Appeal No.476 of 2006.**

Learned counsel for the petitioner submits that he does not want to press this review petition on merits and prays for grant of some reasonable time to hand-over the vacant and peaceful possession of the rented premises.

Learned counsel for the respondent does not object about the grant of one year's time to the appellant to hand-over the vacant and peaceful possession of the rented premises.

Both the parties agree to dispose off this review petition on the following terms and conditions :-

1. The appellant undertakes to hand-over the vacant and peaceful possession of the suit premises, in dispute to the respondent on or before 30.10.2007. The respondent shall not execute the impugned decree till 30.10.2007.
2. The appellant undertakes to pay or deposit the entire arrears of mesne profit, if any within a period of one month from today and will further continue to pay the monthly mesne profit by 15th day of the next succeeding month or in advance to the respondent.
3. The appellant further undertakes that he shall not sub-let, assign or part with the possession of the suit premises or any part thereof in favour of any one else and would not create any third party interest in the same during the aforesaid period.
4. The appellant shall furnish a written undertaking incorporating the aforesaid conditions in the Lower Court within a period of four weeks from today.
5. The respondent shall furnish his bank account to the appellant or his counsel within a period of two weeks from today. In case, the

details of the bank account are furnished by the respondent then the appellant is directed to deposit the amount of all arrears as well as future mesne profits in the said bank account of the respondents. In case the details of the bank account are not furnished by the respondent then it will be open for the appellant to deposit the amount, as directed above, in the lower Court itself.

It is made clear that in case, the appellant does not comply with any of the aforesaid conditions, then it will be open for the respondent to get decree passed in his favour executed even before the aforesaid date and to initiate contempt proceedings in this Court.

With the aforesaid terms, conditions and directions, the review petition is accordingly dismissed as not pressed.

(Narendra Kumar Jain) J.